

October 9, 2002

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: *Carriage of the Transmissions of
Digital Television Broadcast Stations***
CS Docket No. 98-120
***Ex Parte* Communication**

Dear Ms. Dortch:

This provides notice that I, Dr. Harold E. Morse, Chief Executive Officer of Ovation, Inc. (“Ovation”), and Frank Bolger, Ovation’s Senior Advisor on Cable Carriage, met today with Commissioner Abernathy and her Legal Advisor, Stacy Robinson; Commissioner Martin and his Legal Advisor, Catherine Crutcher Bohigian; and Alexis Johns in Commissioner Copps’ Office, with regard to the above-reference proceeding. During the meetings, we discussed Ovation’s position as reflected in its comments in the proceeding, and in particular the need to ensure the ability of cable programmers to compete on a level playing field with broadcasters entitled to mandatory carriage rights. We reinforced that the Commission’s decision that the law cannot support a dual must carry requirement is correct, and that the Commission should reaffirm its conclusion that the term “primary video” refers to a single channel of programming. No written materials were distributed during the meetings.

Respectfully submitted,

 $/s/$

Dr. Harold E. Morse
Chief Executive Officer
Ovation, Inc.

cc: K. Abernathy
M. Copps
S. Robinson
C. Bohigian
A. Johns